

The Kentucky Board of Licensure and Certification for Dietitians and Nutritionists
November 28, 2007
10:00 a.m.

A regular meeting of the Kentucky Board of Licensure and Certification for Dietitians and Nutritionists was conducted, Friday November 28, 2007 at the Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40601.

Members Present

Cheryl Bentley, Board Chair
Jane Faith, Secretary
Karen Gilliam
Cynthia K. Matthews
Leona Gilliam
Rita L. Dillman

Occupations and Professions

Karen Lockett, Board Administrator
Claude Wagner, Occupations and Professions

Office of the Attorney General

Scott Porter, Board Attorney

Members Absent

Erin Eliassen

Others in Attendance

Call to Order

Ms. Bentley called the meeting to order at 10:05 a.m.

Approval of Minutes

Ms. Gilliam made a motion to approve the amended minutes from the September 26, 2007 meeting. Ms. Dillman seconded the motion. The motion carried.

Ms. Gilliam made a motion to approve the minutes from the November 9, 2007 special meeting. Ms. Dillman seconded the motion. The motion carried.

Approval of Financial Statement

Mr. Wagner informed the board that he didn't have any concerns regarding the financial status of this board.

Ms Matthews made a motion to approve the financial statement as submitted. Ms. Gilliam seconded the motion. The Motion carried.

Director's Report

Mr. Wagner presented a proposed 2009-2010 budget.

Mr. Wagner proposed to the board to not withhold license/certification renewal pending completion of an audit. Mr. Wagner proposed that the board proceed with the renewal and if the licensees/certificate holders fails to comply with the requirements of the audit deal with each case separately to avoid delaying those that do comply with the audit requirements. Ms. Faith made a motion to make a regulatory change in 201 KAR 33:020 section (1) to allow the board to not withhold a license/certification renewal pending an audit but to proceed to renew it and if the audit is not satisfactorily completed then deal with it separately to avoid delaying those that complied with the audit requirements, as proposed by Mr. Wagner. Ms. K. Gilliam seconded the motion. The motion carried.

PAGE TWO
MINUTES
NOVEMBER 28, 2007

Mr. Wagner proposed removal of a maximum fee specified in KRS 310.050. Mr. Wagner explained the benefit of removing the fee restriction for the viability of the board to operate as costs increase. Currently, KRS 310.050 Section 2(2) restricts the annual renewal to not exceed \$50.00. Mr. Porter advised the board on suggested changes in KRS 310.050 that could resolve this matter. Mr. Porter advised the board about language that could be added to KRS 310.050 Section 2(1) to include "and assess additional administrative fees as deemed necessary by the board." Mr. Porter advised that language in KRS 310.050 Section 2(2) could be stricken, which currently states "no fee shall exceed (\$50)". Ms. Faith made a motion to change KRS 310.050 Fees-Annual renewal-Automatic revocation for non renewal-Reinstatement as suggested by Mr. Porter, as follows: (1) The board, by duly promulgated administrative regulation, shall establish fees for the application, reinstatement, and renewal of a license or certificate and fees for reciprocal and duplicate licensure or certification and assess additional administrative fees as deemed necessary by the board. (2) Strike the language in Section 2(2) which states "no fee shall exceed fifty (\$50)". Ms. Matthews seconded. The motion carried.

New Business

Ms. Faith made a motion to purchase former board member Toni Rodgers a plaque for her services. Ms. K. Gilliam seconded. The motion carried.

The Attorney General's Office informed the board that the Office of the Attorney General must charge rates to cover the cost of providing this legal representation on behalf of the board. It has been four years since the Office last adjusted the rate. During that time the Office costs have increased substantially. The current rate of \$75.00 per hour no longer covers the salary and expenses associated with providing high quality legal services. Therefore, effective July 1, 2008, the Office of the Attorney General will increase its rate for legal services to \$125.00 hour. A copy of the letter from Rob Jones, Assistant Attorney General, dated October 19, 2007, was provided to the board members to review. Ms. Matthews made a motion to accept the fee as presented raising the Attorney fee, from \$75.00 hour to \$125.00 hour. Ms. Faith seconded the motion. The motion carried.

The board reviewed e-mail messages from Ms. Beverly Lenahan and Ms. Sharon Wallace regarding concerns about audit renewals and practicing during the sixty (60) day grace period. A concern expressed was that persons being audited or paying renewal fees late, but within the sixty (60) day grace period, may continue to practice; however, there is no evidence to reflect that they have current licenses. There is a concern this could potentially pose problems for the individuals and facilities because of lack of evidence of "current" licenses. The board is working on a regulatory amendment in 201 KAR 33:020 Section (2) that will address this issue. The regulatory amendment will be filed with the Legislative Research Commission (LRC) in December 2007 and if approved will be effective in 2008.

Ms. Monica Owens, RD from the Pikeville Medical Center e-mailed the board wanting a written statement that Registered Dietitians (RD's) can in fact take verbal orders. Ms. Owens explained that the facility would like to give privileges to RDs to write orders, but the medical staff and legal department requested written evidence that RDs are permitted to take verbal orders. Ms. Owens could not find laws and regulations related to this issue. Ms. Faith, Ms. Bentley and Mr. Porter explained that the board does not prohibit this practice and it is the responsibility of the facility to develop policies and to implement the practice. The board will provide a written response to this inquiry.

The board discussed adding a place for applicants to submit their e-mail address when applying for licensure or certification. Ms. Matthews made a motion to add a place for applicants to submit their e-mail address when applying for licensure or certification. Ms. Faith seconded the motion. The motion carried.

Old Business

Ms. Eliassen was not able to attend the board meeting to discuss the Core Education Requirements for Certified Nutritionists, but she contacted the board chair and stated that she will have a draft response to Dr. Buckner available for the board to review at the next scheduled board meeting. Ms. Eliassen provided information about core education requirements to Ms. Lockett. Ms. Lockett provided pages 9 and 10 of the Commission on Accreditation for Dietetics Education 2002 Eligibility Requirements and Accreditation Standards Updated August 2006 to all board members during this meeting. Following the board meeting pages 10-12 were distributed via e-mail to all board members. Ms. Bentley requested that the board members review the information prior to the next meeting in preparation for the continued discussion at the next meeting. The board plans to finalize a response to Dr. Buckner at the next meeting.

Mr. Porter prepared a draft bill to amend KRS 310.041 and a copy was provided to each board member for review. In KRS 310.041 Section 1, the amendment would grant retired or inactive licensure status under conditions set forth in administrative regulations promulgated by the board and it would establish procedures, through the promulgation of administrative regulations, under which a licensee may voluntarily relinquish their license and establish conditions for the reinstatement of said license. Mr. Porter will further amend the draft bill by eliminating the cap on fees that is currently specified in KRS 310.050, as specified above. Mr. Porter advised that a sponsor will be necessary for the bill to be introduced during the 2008 General Session. Ms. Matthews will pursue efforts to attempt to secure a sponsor and possibly a co-sponsor for the bill and she will be in further contact with Mr. Porter as needed.

Ms. Faith contacted Ms. Myrna Wesley KDA representative to follow-up to see if she was able to get feedback from the KDA board about the proposal to consider changing licensure renewal from annual to bi-annual. Ms. Wesley stated that she asked some members individually and the feedback was basically neutral to negative. The reasons for not wanting to change to the bi-annual licensure renewal was that: (1) Additional outlay of cash for two years is seen as an obstacle (2) Problems with receiving the new cards before the old ones expire was mentioned several times.

The board reviewed the electronic forms and made a few changes before they get posted on the website. The application and forms will still have to be sent in to the board with fee. The electronic forms can be printed from the web-site but cannot be submitted electronically to the licensure office.

Licensure Status Report

The Licensure Status report reflects the following number of Licensed Dietitians and Certified Nutritionists.

• Licensed Dietitians	1,020
• Certified Nutritionists	<u>82</u>
Total	1,102

Continuing Education Requests

The board reviewed the additional information and appeal submitted by Stacy Back regarding denial of continuing education for "Meeting the Challenges to Improve Cardiovascular Outcomes". After review and discussion of the additional information submitted by Ms. Back, the board approved the following continuing education program and hours.

Ms. Faith made a motion that the following continuing education program(s) and hours be **approved**.

- Meeting the Challenges to improve cardiovascular outcomes – Approved for 7.0 hours for Stacy Back

Ms. Matthews seconded the motion. The motion carried

PAGE FOUR
MINUTES
NOVEMBER 28, 2007

2007 Audit Renewals

Ms. K. Gilliam made a motion to **approve** the following Audit Renewals: Frederica A. Kroh and Kathryn E. Richardson. Ms. Faith seconded the motion. The motion carried

Ms Gilliam made a motion to **deny** the following Audit Renewals: Mary J. Hurrele
Ms. Faith seconded the motion. The motion carried

Applications for Licensure

Ms. Faith made a motion to **approve** the following applications for licensure: Lindsey Beuligmann, Carolyn Boice, Crystal Floyd, Cheryl Fritch, Kimberly Kuehn, Erin Littleton, Rick Loudermelt, Molly McGuigan, Rita Silvestri and Carolyn Williams.
Ms. Matthews seconded the motion. The motion carried.

Applications for Reinstatement

Ms. Faith made a motion to **approve** the following applications for reinstatement: Amber R. Jones. Ms. K. Gilliam seconded the motion.
The motion carried.

Ms. Dillman made a motion to defer the following applications for reinstatement: Becky Campbell and Sherri Hoffman
Ms. Gilliam seconded the motion. The motion carried.

Ms. Bentley proposed that during 2008 that the board will continue to meet every other month on the last Wednesday at 10:00 a.m.
During November the board will meet on November 12, 2008, rather than the last Wednesday.

Scheduled Meetings

The next meeting will be on Wednesday January 30, 2008 beginning at 10:00 a.m. at the Division of Occupations and Professions located at 911 Leawood Drive, Frankfort, Kentucky. The dates of the board meetings during 2008 are as follows:

- January 30, 2008 @ 10:00 a.m.
- March 26, 2008 @ 10:00 a.m.
- May 28, 2008 @ 10:00 a.m.
- July 30, 2008 @ 10:00 a.m.
- September 24, 2008 @ 10:00 a.m.
- November 12, 2008 @ 10:00 a.m.

Approval for Travel and Per Diem

Ms. Faith made a motion to approve travel and per diem for today's meeting. Ms. Matthews seconded motion. The motion carried.

Adjournment

Ms. Faith made a motion that the meeting be adjourned. Ms. Matthews seconded the motion. Ms. Bentley adjourned the meeting at 12:45 p.m.

Approved:



Cheryl Bentley, Chairperson
Minutes Prepared by
Karen Lockett, Board Administrator
November 28, 2007